

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARLY B MICHALEC
Claimant

APPEAL 21A-UI-15285-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

On July 7, 2021, Carly Michalec (claimant/appellant) filed an appeal from the April 16, 2021 (reference 02) unemployment insurance decision that determined she had been overpaid unemployment insurance benefits in the amount of \$1,386.00 based on a disqualification decision.

A telephone hearing was held on August 31, 2021. The parties were properly notified of the hearing. Claimant participated personally. A hearing on claimant's eligibility for unemployment insurance benefits was set at the same date and time. Claimant withdrew her appeal of the decision denying unemployment insurance benefits at that time.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$1,386.00 from the benefit week ending April 18, 2020 and continuing through the benefit week ending August 15, 2020.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated August 21, 2020. That decision remains in force. See 21A-UI-15283-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the April 16, 2021 (reference 02) unemployment insurance decision that determined she had been overpaid unemployment insurance benefits in the amount of \$1,386.00 based on a disqualification decision is **AFFIRMED**.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

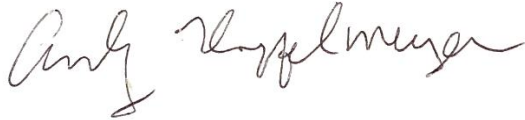
The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$1,386.00 from the benefit week ending April 18, 2020 and continuing through the benefit week ending August 15, 2020.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated August 21, 2020. That decision remains in force. See 21A-UI-15283-AD-T.

Because claimant received unemployment insurance benefits in the amount of \$1,386.00 for which she was later found to be disqualified, she has been overpaid in that amount.

DECISION:

The April 16, 2021 (reference 02) unemployment insurance decision that determined she had been overpaid unemployment insurance benefits in the amount of \$1,386.00 based on a disqualification decision is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 7, 2021
Decision Dated and Mailed

abd/mh

Note to Claimant:

If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If this decision determines you have been overpaid FPUC and/or PEUC, you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.